

By Senator Linn of Wharton:

Be it resolved, that B. M. Vanderhurst, commonly known by his alias, "Whistle-trigger," an old working member of this body, who has gone astray, is now present on the floor of the Senate, be invited to a seat with the President as a testimonial of the esteem in which he is held by the members of this body.

On motion of Senator Goss, the resolution was unanimously adopted.

On motion of Senator Kerr, the Senate adjourned until 10 a. m. to-morrow.

THIRTY-FIRST DAY.

Senate Chamber,

Austin, Tex., Tuesday, Feb. 23.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Wharton.	Yett.

Absent.

Boren.	Presler.
Dibrell.	

Excused.

Greer.	Linn of Victoria.
--------	-------------------

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday.

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Tillett, Senators Stone and Darwin were excused for non-attendance on yesterday, on account of important business.

On motion of Senator Colquitt, Senator Burns was excused for non-attendance on yesterday, on account of important business.

On motion of Senator Terrell, Senator Ross was excused for non-attendance on yesterday, on account of important business.

On motion of Senator Harrison, Sen-

ator Presler was excused indefinitely on account of sickness in his family.

PETITIONS AND MEMORIALS.

By Senator Bowser:

Protest of four citizens of the city of Dallas, constituting the Charter Committee of said city, against the passage of Senate bill No. 197 (Dallas city charter bill).

Read and referred to the Committee on Towns and City Corporations.

At request of Senator Bowser, the protest was ordered printed in the Journal, the protest being as follows:

Hon. George T. Jester, President of the Senate.

We, the undersigned charter committee, representing the city council of the city of Dallas, beg leave to earnestly protest against the passage of Senate bill No. 197, granting to the city of Dallas a new charter, for the following special reasons:

1. The said Senate bill was introduced in the Senate in violation of article 3, section 57, of the Constitution of this State, which provides as follows: "No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated," etc. It is submitted that the spirit of this constitutional provision requires that any person intending to apply for a local or special law such as the Dallas city charter shall give notice to that effect, and that one person can not apply for such local law under notice given by another. The reasons for this are very clear. For, as in this instance, it might be very safe to the public welfare for a regularly elected city council having charge for the people, of the municipal affairs of the city to apply to the Legislature for a new charter, and to frame such new charter; while it might be entirely unsafe, and a matter of which the public should be informed, for some person, such as a non-taxpayer, or one whose business is ward politics, to apply for such charter, and to have the framing of the same. Such person should not have the right to apply for a charter suitable to himself under an application made by a city council. It is respectfully submitted that said Senate bill No. 197 is not the bill applied for under notice given in this instance. Senate bill No. 71, introduced in the Senate at this session by Senator Bowser, and withdrawn by him, is the bill introduced by authority of the said no-

tice. It is further respectfully submitted, that part of the certificate of the city secretary of the city of Dallas, which is printed and attached to the said Senate bill No. 197, which reads as follows, "That the attached copy of the said proposed charter is the one so prepared and ordered to be presented," is, to use the only applicable parliamentary language, improperly placed there, and that so far as said Senate bill No. 197 is concerned, is false, and is used without authority of said city secretary, or any other person authorized to give the same; because such Senate bill to which said notice is attached is not the one prepared as set forth in said certificate, but is, in many essential and vital respects, utterly and entirely different from the one so prepared and ordered to be presented, and is presented against the protest of the charter committee, most emphatically stated to Senator Bowser, who introduced bill No. 197. We, the city council charter committee, upon the withdrawal of Senate bill No. 71 by Senator Bowser, requested said Senator to return to us the notice (a copy of which is printed on said Senate bill No. 197) and the certificate, a copy of which is printed, attached to said Senate bill No. 197, and not to further use the same. We submit that he had no authority to use the same any further after such request. We admit that the Legislature has the right to amend any bill introduced before it or to reject it, entirely at will; but we submit that only the original bill authorized under the notice can be presented under a notice given by a particular person; and in this instance, the only bill authorized to be presented is the one prepared and presented, and to which alone the certificate of the city secretary of the city of Dallas hereinbefore mentioned is rightfully attached.

2. We seriously object to the elimination of that provision of the present city charter which prescribes as a qualification for the offices of mayor and aldermen of our city that they shall not, at the time of their election owe the city any delinquent taxes or other liability. We are anxious to have a clean city government. Revenue is essential to the operation of any government. We do not think that the Legislature of Texas should pass such a measure of encouragement and approval to the delinquent tax payers of the city of Dallas, who have permitted others to pay for the improve-

ment of the streets on which they walk and drive; for the support of the schools to which they send their children; for furnishing lights to light their way homeward; for furnishing fire and police protection for them and their families, while they have sat idly by refusing to assist. We think the qualification mentioned is founded in good conscience and sound public policy, the wisdom of which has already been demonstrated in our city affairs. We see no reason, justice, or good policy in repealing it.

3. We further object to these provisions of the said Senate bill No. 197 which provide that the mayor, president and six members of the board of school directors and six aldermen shall be elected in April, 1897, and shall hold their offices for the term of one year only; and that at the election in April, 1898, the mayor, six members of the board of school directors, and all the members of the city council and the elective officers of the city shall be elected. We submit that these provisions will make Dallas a hotbed of municipal politics from the present time until after the election in 1898, which comes not far from the time when the next Legislature meets. Too much politics is detrimental to the interest of our city. Of course, if this Senate bill is passed and becomes a law, no one imagines that the citizen of Dallas will fail to apply to the next Legislature for an amendment of the charter, and ask to be relieved of the pernicious burdens which this bill imposes upon them, and no one will doubt that when our citizens and voters have an opportunity again to select their representatives, men will be elected who will relieve them from such burdens. Therefore the bill, if passed, though only temporary, is seriously injurious. We fail to see any reason why the general rule and constitutional provisions relative to the term of office should be altered in this instance so as to require Dallas to have its elections each year. Our city is in a fairly good condition, but it is necessary that the government should be at present carefully administered. No set of officers selected for one year only could have time to thoroughly acquaint themselves with the conditions and the necessities of the city and carry their ideas into effect before the expiration of their terms of office. Elections are expensive to the city, and we ask that you do not burden us with too many of them. We are anxious to have improvements in-

augurated in the city government, but we believe that such improvements can be inaugurated without the necessity of continuous annual elections.

4. We protest against that provision of said Senate bill No. 197 which fastens upon our city a fixed staff of officials with prescribed salaries. We believe that the salaries should be left to the people of the city of Dallas to fix, through their proper representatives, the city council. The theory of our form of government, of our State Constitution, and of the Democratic party is that it is best that each locality should as far as possible be permitted to govern itself. In line with this theory is article 11 of the Constitution of the State of Texas, which provides for the granting by the Legislature of special charters to cities of over ten thousand inhabitants. It is not possible that the Legislature can be better informed as to the duties of the officers of the city of Dallas than the city council and the people of Dallas. It is not possible that the Legislature can be more solicitous of the welfare of the city of Dallas than the people of Dallas, who alone support the city government. We insist that we have an intelligent people who, if let alone, are capable of attending to these affairs. The conditions of a city change, and the requirements of its affairs change also. We ask for latitude to take advantage of whatever changes may occur. We respectfully submit that the city of Dallas has shown that it is capable of administering the government for the city more economically under the powers heretofore given it by the Legislature than the affairs of the county of Dallas have been administered under fixed legislative provisions. For instance, the cost of the assessment of taxes for the county of Dallas is .0306 per cent, while the cost of the assessment of taxes to the city of Dallas is .0112 per cent. The cost to Dallas county of the collection of taxes is .025 per cent, while the cost to the city of Dallas is .0117. The total cost to Dallas county to assess and collect its taxes is .0557 per cent, while the total cost to the city of Dallas to assess and collect its taxes is .0229, or less than one-half of the cost to the county for same service. The cost of other departments of the city and county compare in about the same ratio. We submit that the democratic theory of local self government is one of the wisest and safest of the principles of government and stands as one of the great

foundation stones upon which our republican form of government rests. We see no reason why the principle should be departed from in this instance. We appeal to you to remember and be governed by this principle of our Constitution.

5. We object to that clause of the new charter which takes from the city engineer and gives to the superintendent of water works the right to have charge of the construction of water works extensions and improvements, and prescribes as a qualification for such officer that he shall be a competent engineer and shall have had at least two years service in such work. We do not believe that the engineering department of the city should have two heads. We see no reason for requiring that the superintendent of water works should be an engineer of two years service. Good civil engineers are scarce. Many of our citizens are competent to fill the office of superintendent of water works. The city engineer of the city of Dallas has abundant time to superintend the extension and improvements of the city waterworks, just as he does all other city improvements. We fail to see any reason for this provision of Senate bill No. 197, nor for what particular purpose our Senator inserted the provision before introducing his bill.

6. The results, that the prevailing sentiment among taxpayers for a better order of things in municipal affairs that prompted the members of the charter committee to offer their services as aldermen and secured their election, we feel, warrant us in our position and demands.

As evidence, we cite that against the average bond issue of over \$180,000 per annum for nine years previous, with an annual deficit each year after both bonds and current revenue were gone, that to January 30, 1897, as against the same date to 1896, interest on the previous bond issues had been provided for; \$23,100 of previous issues paid for; the floating debt reduced \$37,430.88; the amount paid over to the school board increased \$5,498.90, or nearly 15 per cent over 1896, and the expense for the—

7. In conclusion, we beg to enter our most emphatic and solemn protest, in the name of tax payers and the progressive element of Dallas who elected us, after our promise to serve them for two years, against the re-inauguration of the methods that had brought about the unfortunate conditions in our city affairs that obtained

when we enlisted in its service. We protest against throwing, as bill No. 197 does, in a close election, the balance of power into the hands of non-tax payers, tax eaters, ward heelers, and those who live by means inimical to good government.

Respectfully submitted,

KIRK HALL,
A. A. JACKSON,
D. E. GROVE,
F. P. HOLLAND,
Charter Committee.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, Feb. 22, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 157, a bill to be entitled "An act to amend article 1407 of chapter 19, title 30, of the Revised Civil Statutes of 1895, relating to appeal bonds by the State of Texas,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 206, a bill to be entitled "An act to amend article 722, chapter 14, title 21, of the Revised Statutes of the State of Texas, as adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws in conflict with this act, in so far as they may affect the same."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred House bill No. 242, a bill to be entitled "An act to amend the charter of the city of Galveston by adding thereto section 73c in order to empower the said city of Galveston to grant rights of way to railroads and depot companies for tracks on Strand street, or Avenue B, or any portion thereof, west of Twenty-fifth street, and to confirm certain rights heretofore granted by the city council of the city of Galveston to the Gulf, Colorado and Santa Fe Railway Company to erect and maintain tracks on portions of said street and to occupy a portion of Twenty-sixth street for depot purposes,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 187, a bill to be entitled "An act prohibiting the issuance of bonds for any purpose by any county, city or town in excess of one-fourth of 1 per cent of the taxable values of such county, city or town, except upon an election to be held therefor, and providing for such election and the manner of holding the same, and defining the qualification of voters at such election."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

House bill No. 254, a bill to be entitled "An act to amend sections 4 and 18 and 19 of an act entitled an act to incorporate the city of Waco, and to define its boundaries, approved on the 19th day of February, 1889."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Burns (by request):

Senate bill No. 222, a bill to be entitled "An act to prohibit the manufacture and sale of candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substances, poisonous colors and flavors or ingredients deleterious or detrimental to health; and to prescribe penalties for violation of same; and to repeal all laws or parts of laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 2.

By Senator Turney:

Senate bill No. 223, a bill to be entitled "An act to restore and confer upon the county court of Menard county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 1.

By Senator Colquitt:

Senate bill No. 224, a bill to be entitled "An act to amend article 5175a, chapter 4, title CIV, of the Revised Civil Statutes of 1895, relating to the collection of taxes due on property conveyed by deeds of assignment, trust deeds or other conveyance."

Read first time and referred to Committee on Finance.

By Senator Wayland:

Resolved, That the Hon. J. W. Blake, now visiting the City of Austin, and who led the Democratic host to victory in the last State election, be invited to a seat within the bar of Senate.

Adopted.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, Feb. 23, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 24, a bill to be entitled "An act to enable cities, towns

and villages of this State to pay, provide for the payment of, or remit indebtedness barred by the statutes of limitation."

House bill No. 115, a bill to be entitled "An act to amend articles 744a and 744b of the Revised Civil Statutes of Texas of 1895, relating to corporations for the construction of union depots."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

Call concluded:

On motion of Senator Goss the regular order of business was suspended to take up

Senate joint resolution No. 7, providing for irrigation districts, and for the collection of a tax to pay for the construction of reservoirs, dams, canals, etc.

Resolution read second time with the following committee amendment:

Amend by striking out in line 7, on page 1, "the 98th meridian of longitude," and insert in lieu thereof "that portion of Texas which lies west, northwest and southwest of the following counties, viz.: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Guadalupe, Gonzales, DeWitt, Goliad, Victoria and Calhoun, and any other territory in Texas which the Legislature may hereafter designate."

Committee amendment adopted.

By Senator Turney:

Amend committee report by striking out "Guadalupe," line 4, and insert in lieu thereof "Caldwell."

Adopted.

By Senator Goss:

Amend by striking out in line 17, page 1, the following: "West of the 98th meridian of longitude in Texas," and insert in lieu thereof the words "within said territory."

Adopted.

By Senator Turney:

Amend by striking out all after the word "Calhoun," line 15, page 5.

Adopted.

The resolution as amended was then ordered engrossed.

On motion of Senator Rogers the regular order of business was then suspended to take up on its third reading.

Senate bill No. 206, a bill to be entitled "An act to amend article 722, chapter 14, title 21, of the Revised Statutes of the State of Texas as adopted by the Twenty-fourth Legislature, in the year 1895."

Bill read third time.

(Senator Beall in the chair.)

By Senator Rogers:

Amend by adding to the caption the following: "Relating to channel and dock corporations."

Adopted by the following vote:

Yeas—25.

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Boren.	Stone.
Gough.	

Excused.

Dibrell.	Presler.
Linn of Victoria.	

Bill as amended passed by the following vote:

Yeas—26.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—none.

Absent.

Boren.	Stone.
--------	--------

Excused.

Dibrell.	Presler.
Linn of Victoria.	

Senator Rogers moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

SPECIAL ORDER.

The Chair laid before the Senate,

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers of this State, and to repeal all laws and parts of laws in conflict therewith."

Bill read second time, with committee amendments, to-wit:

Amend,

On page 1:

(a) Line 17, amend by striking out "2250" and inserting "2000."

(b) Line 18, amend by adding after the words "per annum," the following: "And in addition thereto the amount not to exceed one-fourth of the excess of fees collected by said officers respectively."

(c) Line 28, amend by adding the last above amendment, after the words "per annum."

On page 2:

(d) Line 4, amend by adding last amendment, on page 1, after the words "per annum."

(e) Line 17, amend by inserting after the words "maximum amount allowed," the following: "and of the one-fourth of the excess of the maximum amount allowed."

(f) Line 22, amend by striking out after the word "respective" the word "counties," and inserting therein the word "districts."

(g) Line 23, amend by inserting after the word "issue" the following: "Either in term time or vacation."

On page 3:

(h) Line 18, amend by inserting after the words "State shall," the word "not."

On page 4:

(i) Line 3, amend by striking out section 7, and inserting in its stead the following, to-wit: "There shall be paid for the collection of taxes as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first \$10,000 collected, and 4 per cent on the next \$10,000 collected for the State, and 1¼ per cent on all collections over that sum; for collecting the county tax, 5 per cent on the first \$5000 of such taxes collected, and 4 per cent on the next \$5000 collected, and 1¼ per cent on all such taxes collected over that sum; and in counties owing subsidies to railroads, the collector shall receive only 1 per cent for collecting such railroad tax, and in cases where property is levied on and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs and constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales."

Pending action on the committee amendments.

On motion of Senator Linn of Wharton, the regular order of business was suspended to take up

Senate bill No. 105, a bill to be enti-

tled "An act to secure a system of drainage along the public roads of the State by excavating ditches and drains on either side thereof leading into the natural waterways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into same by owners of lands adjacent to said road, and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefited by such drainage system."

Suspended by the following vote:

Yeas—23.

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Darwin.	Terrell.
Goss.	Turney.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Nays—2.

Colquitt.	Greer.
	Absent.
Boren.	Tillett.
Stone.	

Excused.

Dibrell.	Presler.
Linn of Victoria.	

Bill read second time.

By Senator Linn of Wharton:

Amend by adding after the word "party," in line 29, page 9, of printed bill, the following: "And if the verdict of the jury shall find the appellant chargeable with a less amount of expense, or that the appellant is entitled to a greater amount of compensation as damages than was found by the jury of viewers, the costs shall be adjudged against the county; otherwise, the same shall be judged against the appellant."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Linn of Wharton, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.

Burns.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Nays—1.

Colquitt.

Absent.

Stone.

Excused.

Boren.	Linn of Victoria.
Dibrell.	Presler.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Boren.	Ross.
Bowser.	Stafford.
Burns.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—1.

Colquitt.

Absent.

Rogers.

Stone.

Excused.

Dibrell.	Presler.
Linn of Victoria.	

On motion of Senator Woods,

Senate bill No. 34, a bill to be entitled "An act to repeal title 82 of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act, to license physicians and surgeons and to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas,"

Was made special order for Friday, March 5, and from day to day.

On motion of Senator Atlee, regular business was suspended to take up, on its second reading,

Senate bill No. 144, a bill to be entitled "An act to amend article 749c of chapter 18, of title XXI, of the Revised Civil Statutes, restricting land holdings of certain corporations,"

Bill read second time, with the following committee amendment, to-wit:

Amend so that the last sentence will read as follows: "If there be a depot or

depots and no court house, then the two miles shall be measured from the depot nearest the center of such city, town or village, and in case there be neither court house or depot, then the two miles shall be measured from the center of such city, town or village."

Committee amendment adopted, and the bill ordered engrossed.

On motion of Senator Ross, the regular order of business was suspended to take up, on its third reading,

Substitute Senate bill No. 133, a bill to be entitled "An act to define and prescribe the time for holding terms of Courts of Civil Appeals in the State of Texas."

Bill read third time and passed.

PENDING BUSINESS.

The Chair laid before the Senate, as special order,

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers in this State, and to repeal all laws and parts of laws in conflict therewith."

At request of Senator Lewis, the committee amendments (see above) were considered separately.

First committee amendment read, to-wit:

On page 1, line 17, amend by striking out "2250" and inserting "2000."

Lost by the following vote:

Yeas—11.

Bailey.	Greer.
Beall.	Harrison.
Boren.	Stafford.
Colquitt.	Terrell.
Darwin.	Yantis.
Gough.	

Nays—14.

Atlee.	Morriss.
Bowser.	Neal.
Burns.	Ross.
Goss.	Tillett.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Wharton.	Yett.

Absent.

Rogers.	Turney.
Stone.	

Excused.

Dibrell.	Presler.
Linn of Victoria.	

Second: In line 18, amend by adding after the word "per annum," the following: "And in addition thereto an amount not to exceed one-fourth of the excess of fees collected by said officers respectively."

Adopted.

Third: In line 28, amend by adding the last above amendment after the words "per annum."

Adopted.

Fourth: On page 2, line 4, amend by adding last amendment on page 1, after the words "per annum."

Adopted.

Fifth: In line 17, amend by inserting after the words "maximum amount allowed" the following: "And of the one-fourth of the excess of the maximum amount allowed."

Adopted.

Sixth: In line 22, amend by striking out after the word "respective," the word "counties," and inserting therein the word "districts."

Adopted.

Seventh: In line 23, amend by inserting after the word "issue," the following: "Either in term time or vacation."

Adopted.

Eighth: On page 3, line 13, amend by inserting after the words "State shall" the word "not."

Adopted.

Ninth: On page 4:

Line 3, amend by striking out section 7, and inserting in its stead the following, to-wit: "There shall be paid for the collection of taxes as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first \$10,000 collected, and 4 per cent on the next \$10,000 collected for the State, and 1¼ per cent on all collections over that sum; for collecting the county tax, 5 per cent on the first \$5000 of such taxes collected, and 4 per cent on the next \$5000 collected, and 1¼ per cent on all such taxes collected over that sum; and in counties owing subsidies to railroads, the collector shall receive only 1 per cent for collecting such railroad tax, and in cases where property is levied on and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs and constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales."

Adopted.

Senator Colquitt moved to reconsider the vote by which the eighth amendment (see above) was adopted:

Reconsidered by the following vote:

Yeas—14.

Boren.	Darwin.
Bowser.	Gough.
Burns.	Harrison.
Colquitt.	Kerr.

Ross. Wayland.
Stafford. Woods.
Terrell. Yantis.

Nays—12.

Atlee. Linn of Wharton.
Bailey. Morriss.
Beall. Neal.
Goss. Stone.
Greer. Tillett.
Lewis. Yett.

Absent.

Rogers. Turney.

Excused.

Dibrell. Presler.

Linn of Victoria.

The amendment was then lost by the following vote:

Yeas—11.

Atlee. Morriss.
Beall. Neal.
Goss. Ross.
Greer. Stone.
Lewis. Yett.

Linn of Wharton.

Nays—14.

Bailey. Harrison.
Boren. Terrell.
Bowser. Tillett.
Burns. Turney.
Colquitt. Wayland.
Darwin. Woods.
Gough. Yantis.

Present, not voting.

Stafford.

Absent.

Kerr. Rogers.

Excused.

Dibrell. Presler.

Linn of Victoria.

The committee amendments as passed upon as a whole were then adopted.

By Senator Ross:

Amend by striking out "\$2500," in line 29, page 1, and inserting "\$3000."
Lost.

By Senator Linn of Wharton:

Amend by striking out the figures "\$2500," in line 32, page 1, and inserting in lieu thereof the figures "\$3000."
Lost.

(Senator Stafford in the chair.)

By Senator Colquitt:

Amend as follows:

Strike out "\$2000," in line 14, and insert "\$1750" in lieu thereof.

Strike out "\$2000," in line 15, and insert "\$1750" in lieu thereof.

Strike out "\$2000," in line 16, and insert "\$1750" in lieu thereof.

Strike out "\$2000," in line 17, and insert "\$1750" in lieu thereof.

Strike out "\$2250," in line 19, and insert "\$2000" in lieu thereof.

And in lines 24, 25, 26, 27, 28 and 29 strike out "\$2250" in each line, and insert "\$2000" in lieu thereof.

In line 32, page 1, section 1, and in lines 1 and 2, page 2, strike out "\$2500," and in lieu thereof insert "\$2250" in each line, and in line 4, of section 1, page 2, strike out "\$2750" and insert "\$2500," and in line 5, page 2, strike out "\$3000" and insert "\$2500" in lieu thereof.

Adopted by the following vote:

Yeas—19.

Bailey. Morriss.
Boren. Ross.
Bowser. Stafford.
Colquitt. Terrell.
Darwin. Tillett.
Goss. Wayland.
Gough. Woods.
Harrison. Yantis.
Kerr. Yett.
Lewis.

Nays—8.

Atlee. Linn of Wharton.
Beall. Neal.
Burns. Stone.
Greer. Turney.

Absent.

Rogers.

Excused.

Dibrell. Presler.

Linn of Victoria.

Senator Gough moved to reconsider the vote by which the amendment was adopted, and to lay that motion on the table.

The Senate refused to table by the following vote:

Yeas—13.

Boren. Morriss.
Bowser. Ross.
Colquitt. Stafford.
Darwin. Terrell.
Gough. Woods.
Harrison. Yantis.
Kerr.

Nays—14.

Atlee. Linn of Wharton.
Bailey. Neal.
Beall. Stone.
Burns. Tillett.
Goss. Turney.
Greer. Wayland.
Lewis. Yett.

Absent.

Rogers.

Excused.

Dibrell. Presler.

Linn of Victoria.

The Senate then refused to reconsider by the following vote:

Yeas—12.

Atlee.	Linn of Wharton.
Bailey.	Neal.
Beall.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Lewis.	Yett.

Nays—15.

Boren.	Morriss.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Woods.
Harrison.	Yantis.
Kerr.	

Absent.

Rogers.

Excused.

Dibrell.	Presler.
Linn of Victoria.	

By Senator Wayland:

Amend by adding to line 13, page 6 of the amendments recommended by the committee the following: "And on all occupation license taxes collected 5 per cent.

Adopted.

(Lieutenant Governor Jester in the chair.)

By Senator Wayland:

Page 2, line 20, after the word "counties," insert the following: "Provided, that the provisions of this act, except as to making said report, shall not take effect until the next general election for district and county officers."

Adopted.

By Senator Beall:

Strike out from lines 20 to 23 inclusive, page 1, and insert in lieu thereof the following: "Provided that up to 1902 in counties in which there were cast as many as 5000 votes, and thereafter in counties, shown by the national census of 1900 to contain as many as 25,000 inhabitants, the following amount of fees shall be allowed:"

Adopted.

By Senator Beall:

Strike out lines 30 and 31, page 1, and insert in lieu thereof the following: "Provided further, that up to 1902 in counties in which there were cast at the last presidential election as many as 7500 votes, and thereafter in counties shown by the national census of 1900 to contain as many as 37,500 inhabitants, the following amount of fees shall be allowed:"

By Senator Linn of Wharton:

Substitute the amendment as follows:

Amend by adding after the word "inhabitants," in line 31 of page 1, the following words: "Or in which there were cast at the last presidential election as many as 7500 votes, or that by the census of 1900 shall contain as many as 37,500 inhabitants."

Adopted.

The amendment as substituted was then adopted.

By Senator Goss:

Amend on page 6, line 8, by inserting after the word "sum" the words, "and 5 per cent on all redemptions."

Lost.

Senator Bailey moved to postpone further consideration of the bill until Monday, March 1, after call.

Lost.

By Senator Goss:

Amend on page 4, line 14, by striking out "one-half" and insert "one-third."

Adopted.

By Senator Bowser:

Amend by striking out in line 5, page 2, "sheriff and \$3000," and inserting in lieu thereof "the fees and compensations of sheriffs in counties containing cities of over 25,000 inhabitants shall not be affected by this act."

By Senator Lewis:

Amend the amendment by adding after the word "sheriff," where it appears, the words "district attorney. district clerk and county attorney."

Lost.

The amendment (Bowser's) was then lost.

By Senator Linn of Wharton:

Amend by striking out the figures "\$2000" (as amended), in line 19, page 1, and inserting "\$2200."

By Senator Beall:

Substitute the amendment as follows:

Amend by adding to section 3 the following: "The sheriff of each county shall, at the time he makes the report provided for in section 2 of this act, make to the district court of his county an itemized sworn statement of all the expenses incurred by him in the discharge of his duties outside of the county of his residence, and for which he shall receive no compensation from the State, and at the first term of the said court thereafter the judge of the said court shall examine the same and if satisfied with the correctness and justness thereof shall allow to said officer the said amount, or so much thereof as shall to him seem just and correct to be paid out of

the fees of the said office collected, in no event to exceed \$1000."

Pending action,

The Chair gave notice of signing, and did sign in the presence of the Senate, after the captions had been read, the following bills:

Substitute House bill No. 103, a bill to be entitled "An act to amend subdivision 18, of article 22, of the Revised Civil Statutes of Texas, fixing the time for holding court in the Eighteenth Judicial District,"

Also,

House bill No. 434, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased and to be purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners' court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications situated outside the limits of the city of Galveston."

IN SENATE.

House bill No. 24, a bill to be entitled "An act to enable cities, towns and villages of this State to pay, provide for the payment of, or remit indebtedness barred by the statutes of limitation."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 115, a bill to be entitled "An act to amend articles 744a and 744b of the Revised Civil Statutes of Texas of 1895, relating to corporations for the construction of union depots."

On motion of Senator Gough, the Senate adjourned to 10 a. m. to-morrow by the following vote:

Yeas—15.

Atlee.	Morriss.
Beall.	Neal.
Burns.	Ross.
Darwin.	Terrell.
Gough.	Turney.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	

Nays—11.

Bailey.	Linn of Wharton.
Boren.	Stone.
Bowser.	Tillett.
Colquitt.	Wayland.
Goss.	Yett.
Greer.	

Absent.

Rogers. Stafford.

Excused.

Dibrell. Presler.

Linn of Victoria.

THIRTY-SECOND DAY.

Senate Chamber,

Austin, Tex., Wednesday, Feb. 24.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Neal.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Gough.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Absent.

Beall. Ross.

Boren.

Excused.

Linn of Victoria.

Prayer by Dr. F. S. Jackson, Chaplain.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Neal,

Senator Stafford was excused for non-attendance upon the Senate on Monday last, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Linn of Wharton:

Petition of wholesale merchants of Galveston, Tex., against merchandise brokerage as now pursued in this State.

Read and referred to the committee on Revenue and Taxation.

By Senator Bailey:

Memorial from the Fort Worth Live Stock Exchange, which by request was ordered printed in the Journal as follows: